AMENDMENTS TO THE CLAIMS

1. **(Currently amended)** ~~An isolated~~ A recombinant polynucleotide comprising [[a]] the *kstD* promoter from *Rhodococcus*~~, characterised in that said promoter is the *kstD* promoter~~.

2. **(Currently amended)** The recombinant polynucleotide ~~Polynucleotide~~ according to claim 1, wherein said *Rhodococcus* is *Rhodococcus erythropolis.*

3. **(Currently amended)** The recombinant polynucleotide ~~Polynucleotide~~ according to claim 1~~or 2~~, ~~characterised in that it~~ wherein the promoter comprises ~~nucleotide~~ nucleotides 1-158 from the sequence of SEQ ID NO:3 or a functional part thereof.

4. **(Currently amended)** The recombinant polynucleotide ~~Polynucleotide~~ according to ~~claims 1-3~~ claim 2, further comprising a nucleotide sequence encoding a transcription regulator of said promoter.

5. **(Currently amended)** The recombinant polynucleotide ~~Polynucleotide~~ according to claim 4, wherein the expression of said nucleotide sequence is controlled by steroidal compounds.

6. **(Currently amended)** The recombinant polynucleotide ~~Polynucleotide~~ according to claim 5, wherein said regulator comprises the *kstR* gene or a homologue or a functional part thereof.

7. **(Currently amended)** The recombinant polynucleotide ~~Polynucleotide~~ according to ~~any one of the preceding claims~~ claim 6, further comprising a nucleotide sequence encoding a heterologous polypeptide that is operably linked to said promoter.

8. **(Currently amended)** The recombinant polynucleotide ~~Polynucleotide~~ according to ~~any one of the preceding claims~~ claim 7, further comprising at least one nucleotide sequence selected from the group consisting of a selectable marker, a counter-selectable marker ~~and/or~~ and a reporter gene.

9. **(Currently amended)** The recombinant polynucleotide ~~Polynucleotide~~ according to ~~any one of the preceding claims~~ claim 7, further comprising a signal sequence.

10. **(Currently amended)** A recombinant ~~Recombinant~~ vector comprising [[a]] the recombinant polynucleotide according to ~~any one of the claims 1-9~~ claim 7.

11. **(Currently amended)** A recombinant ~~Recombinant~~ vector according to claim 10, further comprising a nucleotide sequence having multiple cloning sites.

12. **(Currently amended)** A host ~~Host~~ cell transformed with the recombinant vector according to claim 10 ~~or 11~~.

13. **(Currently amended)** The host ~~Host~~ cell according to claim 12, wherein said host cell is a bacterium from the order of Actinomycetales.

14. **(Currently amended)** The ~~Bacterial~~ host cell according to claim 13, wherein said host cell is selected from bacteria belonging to the families of *Actinomycetaceae, Corynebacterineae*, *Mycobacteriaceae*, *Nocardiaceae*, *Brevibacteriaceae,* and ~~or~~ *Micrococcaceae*.

15. **(Currently amended)** The ~~Bacterial~~ host cell according to claim 13, wherein said host cell is selected from bacteria belonging to the genus *Rhodococcus*.

16. **(Currently amended)** The ~~Bacterial~~ host cell according to claim 13, wherein said host cell is the bacterium *Rhodococcus erythropolis* RG10 as deposited under number DSM 15231 with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen.

17. **(Currently amended)** The host ~~Host~~ cell according to ~~any one of claims 12-16~~ claim 25, which does not contain a functional *kstR* gene or a homologue or a functional part thereof.

18. **(Currently amended)** A method ~~Method~~ for producing ~~a desired protein~~ the heterologous polypeptide in a host cell, comprising transforming [[a]] the host cell with [[a]] the recombinant vector of ~~claims 10 or 11~~ claim 10.

19. **(Canceled)**

20. **(Currently amended)** A method ~~Method~~ for constitutive expression of a heterologous protein of interest comprising transforming a host cell which does not contain a functional *kstR* gene or a homologue or a functional part thereof ~~according to claim 17~~ with a polynucleotide construct wherein the expression of the coding region of said heterologous protein is under control of the *kstD* promoter.

21. **(Canceled)**

22. **(Currently amended)** A method ~~Method~~ for identifying compounds that regulate the activity of the *kstD* promoter comprising exposing a host cell according to ~~any one of the claims 12-17~~ claim 14 to at least one compound whose ability to modulate the activity of a *kstD* promoter is to be determined, and monitoring said cell for modulated *kstD* promoter activity.

23. **(New)** The recombinant polynucleotide according to claim 3, further comprising a nucleotide sequence encoding a heterologous polypeptide that is operably linked to the promoter.

24. **(New)** A vector comprising the recombinant polynucleotide of claim 23.

25. **(New)** A host cell transformed with the vector of claim 24.

26. **(New)** The host cell of claim 25, comprising a nucleotide sequence encoding a transcription regulator, wherein the transcription regulator is *kstR* or a homologue or a functional part thereof.

27. **(New)** The host cell of claim 26, wherein the transcription regulator comprises SEQ ID NO.: 6.

28. **(New)** The recombinant polynucleotide according to claim 23, further comprising a nucleotide sequence encoding SEQ ID NO.: 6 or a functional part thereof.

29. **(New)** A method of inducing expression of a heterologous protein, comprising:

providing a host cell having *kstR* activity,

transforming the host cell with a vector comprising a nucleotide sequence encoding the heterologous protein operably linked to a *kstD* promoter from *Rhodococcus*, and

incubating the transformed host cell in media comprising a concentration of steroid sufficient to lift the repressor function exerted by the *kstR* activity.